

**United States Bankruptcy Court  
District of Minnesota**

**IN RE:**

**NELSON, MITCHEL JAMES & NELSON, SUSAN MARLENE**

Debtor(s)

Case No. **11-41892**

Chapter **13**

**MODIFIED CHAPTER 13 PLAN**

Dated: **August 2, 2011** .

**1. PAYMENTS BY DEBTOR TO TRUSTEE –**

a. As of the date of this plan, the debtor has paid the trustee \$ **2,800.00** .

b. After the date of this plan, the debtor will pay the trustee \$ varies<sup>1</sup> per month for **56** months, beginning within 30 days after the filing of this plan for a total of \$ **52,592.00**. The minimum plan length is ☐ 36 or ☒ 60 months from the date of the initial plan payment unless all allowed claims are paid in a shorter time.

c. The debtor will also pay the trustee: n/a

d. The debtor will pay the trustee a total of \$ **55,392.00** [line 1(a) + line 1(b) + line 1(c)].

<sup>1</sup> **32 payments of \$700.00 followed by 24 payments of \$1,258.00**

**2. PAYMENTS BY TRUSTEE –** The trustee will pay from available funds only creditors for which proofs of claim have been filed. The trustee may collect a fee of up to 10% of plan payments, or \$ **5,539.20** , [line 1(d) x .10].

**3. ADEQUATE PROTECTION PAYMENTS [§ 1326(a)(1)(C)] –** The trustee will promptly pay from available funds adequate protection payments to creditors holding allowed claims secured by personal property, according to the following schedule, beginning in month one (1).

<i>Creditor</i>	<i>Monthly Payment</i>	<i>Number of Months</i>	<i>TOTAL PAYMENTS</i>
<b>None</b>			
<b>TOTAL</b>			<b>0.00</b>

**4. EXECUTORY CONTRACTS AND UNEXPIRED LEASES [§ 365] –** The debtor assumes the following executory contracts or unexpired leases. Cure provisions, if any, are set forth in ¶ 7.

<i>Creditor</i>	<i>Description of Property</i>
<b>None</b>	

**5. CLAIMS NOT IN DEFAULT –** Payments on the following claims are current and the debtor will pay the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens, if any.

<i>Creditor</i>	<i>Description of Claim</i>
<b>NISSAN MOTOR ACCEPTANCE</b>	<b>1/2 interest in 2006 Nissan Murano with 63,000 miles (other 1/2</b>

**6. HOME MORTGAGES IN DEFAULT [§ 1322(b)(5) and § 1322(e)] –** The trustee will cure defaults on the following claims secured only by a security interest in real property that is the debtor's principal residence. The debtor will pay the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens. All following entries are estimates. The trustee will pay the actual amounts of default.

<i>Creditor</i>	<i>Amount of Default</i>	<i>Monthly Payment</i>	<i>Beginning in Month #</i>	<i>Number of Payments</i>	<i>TOTAL PAYMENTS</i>
<b>BREMER BANK</b>	<b>1,004.82</b>	<b>55.82</b>	<b>4</b>	<b>18</b>	<b>1,004.82</b>
<b>SETERUS INC</b>	<b>9,887.66</b>	<b>549.31</b>	<b>4</b>	<b>18</b>	<b>9,887.66</b>
<b>TOTAL</b>					<b>10,892.48</b>

**7. CLAIMS IN DEFAULT [§ 1322 (b)(3) and (5) and § 1322(e)] –** The trustee will cure defaults on the following claims as set forth below. The debtor will pay the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens, if any. All following entries are estimates, except for interest rate.

<i>Creditor</i>	<i>Amount of Default</i>	<i>Int. rate (if any)</i>	<i>Monthly Payment</i>	<i>Beginning in Month #</i>	<i>Number of Payments</i>	<i>TOTAL PAYMENTS</i>
<b>None</b>						
<b>TOTAL</b>						<b>0.00</b>

**8. OTHER SECURED CLAIMS; SECURED CLAIM AMOUNT IN PLAN CONTROLS [§ 1325(a)(5)]** – The trustee will pay, on account of the following allowed secured claims, the amount set forth in the “Total Payments” column, below. The creditors will retain liens securing the allowed secured claims until the earlier of the payment of the underlying debt determined under nonbankruptcy law, or the date of the debtor’s discharge. NOTWITHSTANDING A CREDITOR’S PROOF OF CLAIM FILED BEFORE OR AFTER CONFIRMATION, THE AMOUNT LISTED IN THIS PARAGRAPH AS A CREDITOR’S SECURED CLAIM BINDS THE CREDITOR PURSUANT TO 11 U.S.C. § 1327, AND CONFIRMATION OF THE PLAN IS A DETERMINATION OF THE CREDITOR’S ALLOWED SECURED CLAIM.

Creditor	Claim Amount	Secured Claim	Int. Rate	Beginning in Month #	Monthly Payment	Number of Payments	Payments on Account of Claim	Adequate Protection from ¶ 3	TOTAL PAYMENTS
None									
TOTAL									<b>0.00</b>

**9. PRIORITY CLAIMS** – The trustee will pay in full all claims entitled to priority under § 507, including the following. The amounts listed are estimates. The trustee will pay the amounts actually allowed.

Creditor	Estimate Claim	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
James P. Agosto	<b>2,000.00</b>	<b>500.00</b>	<b>1</b>	<b>4</b>	<b>2,000.00</b>
TOTAL					<b>2,000.00</b>

**10. SEPARATE CLASSES OF UNSECURED CREDITORS** – In addition to the class of unsecured creditors specified in ¶ 11, there shall be separate classes of non-priority unsecured creditors described as follows:  
The trustee will pay the allowed claims of the following creditors. All entries below are estimates.

Creditor	Int. Rate (if any)	Claim Amount	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
None						
TOTAL						<b>0.00</b>

**11. TIMELY FILED UNSECURED CREDITORS** – The trustee will pay holders of nonpriority unsecured claims for which proofs of claim were timely filed the balance of all payments received by the trustee and not paid under ¶ 2, 3, 6, 7, 8, 9 and 10 their pro rata share of approximately \$ **36,960.32** [line 1(d) minus lines 2, 6(d), 7(d), 8(d), 9(f), and 10(c)].

- The debtor estimates that the total unsecured claims held by creditors listed in ¶ 8 are \$ **0**.
- The debtor estimates that the debtor's total unsecured claims (excluding those in ¶ 8 and ¶ 10) are \$ **266,342.37**.
- Total estimated unsecured claims are \$ **266,342.37** [line 11(a) + line 11(b)].

**12. TARDILY-FILED UNSECURED CREDITORS** – All money paid by the debtor to the trustee under ¶ 1, but not distributed by the trustee under ¶ 2, 3, 6, 7, 8, 9, 10, or 11 will be paid to holders of nonpriority unsecured claims for which proofs of claim were tardily filed.

**13. OTHER PROVISIONS** – The trustee may distribute additional sums not expressly provided for herein at the trustee’s discretion.

The debtors shall send the Trustee each year during the Chapter 13 Plan copies of their federal and state income tax returns at the time they are filed. The debtors shall also promptly report to the Trustee the receipt of any federal and state income tax refunds for the duration of this Chapter 13 case and shall be entitled to retain the first \$2,000 plus any earned income credit (EIC). Any remaining amounts shall be turned over to the Chapter 13 Trustee as additional plan payments.

Debtors will surrender the rental property in Ramsey County at 5336 St. Stephens St., Mounds View, MN 55112 to Bank of America Home Loans and will cooperate with a Lift/Stay if requested by Bank of America Home Loans.

Debtors will surrender the real estate in Burnett County, Wisc., to CitiMortgage and will cooperate with a Lift/Stay if requested by CitiMortgage.

Debtors surrendered the real estate in Anoka County at 10950 Robinson Dr. NW, Coon Rapids, MN 55433 to Private BanCorp in Sheriff's Sale September 2010 and will cooperate with a Lift/Stay if requested by Private BanCorp.

Chance Investments, LLC and MS Nelson, Inc. will continue corporate payments on secured debt to Wells Fargo Bank SBA Lending, Stearns Bank, CP Otsego Partners LLC, and U S Oil Co. Inc.

**14. SUMMARY OF PAYMENTS –**

Trustee's Fee [Line 2]	\$	<b>5,539.20</b>
Home Mortgage Defaults [Line 6(d)]	\$	<b>10,892.48</b>
Claims in Default [Line 8(d)]	\$	<b>0.00</b>
Other Secured Claims [Line 8(d)]	\$	<b>0.00</b>
Priority Claims [Line 9(f)]	\$	<b>2,000.00</b>
Separate Classes [Line 10(c)]	\$	<b>0.00</b>
Unsecured Creditors [Line 11]	\$	<b>36,960.32</b>
TOTAL [must equal Line 1(d)]	\$	<b>55,392.00</b>

**James P. Agosto 0000632**  
**James P. Agosto**  
**142 W. Broadway P.O. Box 896**  
**Monticello, MN 55362-0896**  
**(763) 295-4004**

Signed: /s/ SUSAN MARLENE NELSON

DEBTOR

Signed: /s/ MITCHEL JAMES NELSON

DEBTOR (if joint case)

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

In re:

NELSON, MITCHEL JAMES  
NELSON, SUSAN MARLENE,

NOTICE OF MODIFIED  
CHAPTER 13 PLAN  
PRE-CONFIRMATION

Debtors.

Chapter 13 Case No. 11-41892

PLEASE TAKE NOTICE of the attached Modified Chapter 13 Plan, Pre-Confirmation.

The Hearing on Confirmation of Plan will be:

Date: September 1, 2011      Time: 10 a.m.      Location: Courtroom 7 West (Minneapolis)  
U S BANKRUPTCY COURT  
U S COURTHOUSE  
COURTROOM 7 WEST  
300 S 4<sup>TH</sup> ST  
MINNEAPOLIS, MN 55415

Dated: August 2, 2011

/e/ James P. Agosto  
James P. Agosto, Attorney ID No. 0000632  
Attorney for Debtors  
142 W. Broadway, P.O. Box 896  
Monticello, MN 55362  
763-295-4004

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

UNSWORN CERTIFICATE OF SERVICE

In re:

NELSON, MITCHEL JAMES  
NELSON, SUSAN MARLENE,

Chapter 13 Case No. 11-41892

Debtors.

I, James P. Agosto, declare under penalty of perjury that on August 2, 2011, I forwarded copies of the attached Notice of Modified Chapter 13 Plan, Pre-confirmation and Modified Chapter 13 Plan by first class mail, postage prepaid, or electronically, to each entity and at the address stated for each entity listed below.

KYLE L. CARLSON  
CHAPTER 13 TRUSTEE  
INFO@CARLSONCH13MN.COM

UNITED STATES TRUSTEE  
USTPREGION12.MN.ECF@USDOJ.GOV

MINN. DEPT. OF REVENUE  
BANKRUPTCY SECTION  
MINNDEPREV.COM

INTERNAL REVENUE SERVICE  
IRS.GOV

AURORA LOAN SERVICES BKCY  
PO BOX 1706  
SCOTTSBLUFF, NE 69363-1706

BANK OF AMERICA HOME LOANS  
BANKAMER2.COM

BREMER BANK  
[BANKRUPTCYNOTICES@BREMER.COM](mailto:BANKRUPTCYNOTICES@BREMER.COM)

CITIMORTGAGE  
CIAC.COM

NISSAN MOTOR ACCEPTANCE  
990 WEST 190<sup>TH</sup> ST  
TORRANCE, CA 90502-1019

DISCOVER BANK  
DISCOVER.COM

CAPITAL ONE NA BKCY DEPT  
CAPITALONE.COM

CHASE BP  
CHASE.COM

KOHL'S CHASE RECOVERY  
CBSKOHL'S.COM

SEARS CITIBANK SD  
SEARS.COM

WELLS FARGO BANK BUSINESS DIRECT  
WFFC.COM

FIA CARD SERVICES NA  
1000 SAMOSET DR DE5-023-03-03  
NEWARK, DE 19713-6000

PRIVATE BANK MINNESOTA  
222 S 9<sup>TH</sup> ST STE 3800  
MINNEAPOLIS, MN 55402-3809

ADVANTA BANK CORP  
RESURGENT CAPITAL SERVICES  
MJERRICKBANK.COM

JEFFERSON CAPITAL SYSTEMS LLC  
PO BOX 7999  
ST CLOUD, MN 56302-9617

U S VENTURE INC  
425 BETTER WAY  
APPLETON, WI 54915

PORTFOLIO RECOVERY ASSOC LLC  
PO BOX 1914  
NORFOLK, VA 23541

Dated: August 2, 2011

BACK BOWL I LLC  
WEINSTEIN AND RILEY PS  
2001 WESTERN AVE STE 400  
SEATTLE, WA 98121-3132

ASSET ACCEPTANCE  
PO BOX 2036  
WARREN, MI 48090-2036

MITCHEL J. NELSON  
PO BOX 550  
ELK RIVER, MN 55330-0550

SUSAN M. NELSON  
16488 ORCHID ST NW  
ANDOVER, MN 55304-2455

SETERUS INC  
PO BOX 4128  
BEAVERTON, OR 97076

/e/ James P. Agosto  
\_\_\_\_\_  
James P. Agosto, Attorney ID No. 0000632  
Attorney for Debtors  
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Monticello, MN 55362  
763-295-4004

United States Bankruptcy Court  
District of Minnesota

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NELSON, MITCHEL JAMES & NELSON, SUSAN MARLENE

Chapter 13

Debtor(s)

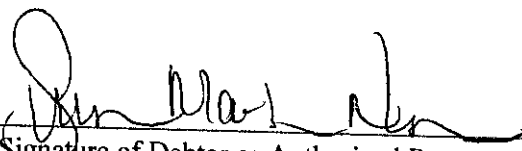
**SIGNATURE DECLARATION**

- ☐ PETITION, SCHEDULES & STATEMENTS
- ☐ CHAPTER 13 PLAN
- ☐ SCHEDULES & STATEMENTS ACCOMPANYING VERIFIED CONVERSION
- ☐ AMENDMENT TO PETITION, SCHEDULES & STATEMENTS
- ☒ MODIFIED CHAPTER 13 PLAN
- ☐ OTHER (Please describe) \_\_\_\_\_

I [We], the undersigned debtor(s) or authorized representative of the debtor, ***make the following declarations under penalty of perjury:***


- The information I have given my attorney and provided in the electronically filed petition, statements, schedules, amendments, and/or chapter 13 plan, as indicated above, is true and correct;
- The information provided in the "Debtor Information Pages" submitted as a part of the electronic commencement of the above-referenced case is true and correct;
- **[individual debtors only]** If no Social Security Number is included in the "Debtor Information Pages" submitted as a part of the electronic commencement of the above-referenced case, it is because I do not have a Social Security Number;
- I consent to my attorney electronically filing with United States Bankruptcy Court my petition, statements and schedules, amendments, and/or chapter 13 plan, as indicated above, together with a scanned image of this Signature Declaration and the completed "Debtor Information Pages," if applicable; and
- **[corporate and partnership debtors only]** I have been authorized to file this petition on behalf of the debtor.

Date: August 2, 2011

X   
Signature of Debtor or Authorized Representative

SUSAN MARLENE NELSON

Printed Name of Debtor or Authorized Representative

X   
Signature of Joint Debtor

MITCHEL JAMES NELSON

Printed Name of Joint Debtor